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**From:** Ghosh, Mita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A452A12681164ADA8730786F1A908E32-GHOSH, MITA]  
**Sent:** 1/2/2018 3:47:08 PM  
**To:** Armor, Suzanne [Armor.Suzanne@epa.gov]  
**Subject:** RE: EPA communication with the FWS and NMFS re: ESA consultation on assumption

I have management meeting from 10:30 to noon and something else at 3:45 to 4:30, otherwise open.

Mita Ghosh  
Chief, Office of Water Legal Support  
Office of Regional Counsel  
United States Environmental Protection  
Region 4  
404-562-9568

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**From:** Armor, Suzanne  
**Sent:** Tuesday, January 2, 2018 10:32 AM  
**To:** Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: EPA communication with the FWS and NMFS re: ESA consultation on assumption

What's your availability tomorrow? Any times that aren't good?

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**From:** Ghosh, Mita  
**Sent:** Tuesday, January 2, 2018 10:31 AM  
**To:** Armor, Suzanne <Armor.Suzanne@epa.gov>  
**Subject:** RE: EPA communication with the FWS and NMFS re: ESA consultation on assumption

Yes please include me, however I will be working from home and can call in.

Mita Ghosh  
Chief, Office of Water Legal Support  
Office of Regional Counsel  
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**From:** Armor, Suzanne  
**Sent:** Tuesday, January 2, 2018 10:29 AM  
**To:** Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>

**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

**Subject:** RE: EPA communication with the FWS and NMFS re: ESA consultation on assumption

Yes, I'm flexing today. Will be in the office tomorrow. My calendar is wide open. Should I set up a meeting invite with you and Matt? (Mita – do you want to be included as well?)

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**From:** Mancusi-Ungaro, Philip

**Sent:** Tuesday, January 2, 2018 10:16 AM

**To:** Armor, Suzanne <Armor.Suzanne@epa.gov>

**Cc:** Ghosh, Mita <Ghosh.Mita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>

**Subject:** Re: EPA communication with the FWS and NMFS re: ESA consultation on assumption

Thanks for the response. A few points:

Only nj has an Moa. It was signed during the 120 review period as it was the only way EPA could get fws to not object. There were a lot of issues at that time that have since been resolved and no has a good relationship with fws now. They are negotiating a new Moa, but we here it is focused on timing and per  
It review and no does not do section 7 consultation with fws on their permits.

We have been clear with Florida they do not not need an Moa. Apparently their stakeholders ( the mining guys) want this and want EPA to be a part.

Kathy Hurd will be reaching out to someone in Ogc, once we get a final read from the regional directors office on their view on consultation, **Ex. 5 Deliberative Process (DP)**

And then Florida mentions section 10 which does not really apply.

Let's talk tomorrow when I get in, I think you are flexing, right?  
Phil

Sent from my iPhone

On Jan 2, 2018, at 9:41 AM, Armor, Suzanne <Armor.Suzanne@epa.gov> wrote:

Thanks, Phil. Let me look back through my notes and see what I already have from OGC. I had discussed this generically with Tod Siegal in OGC a while back, and he had sent me some briefs on the 402 assumption position. I believe I already shared those with you. I don't know if there has been any communication specifically on 404 assumption, but I can double-check.

## **Ex. 5 Deliberative Process (DP)**

What's your timeframe on this? Do you have any other calls with the Services already scheduled for follow up?

Happy New Year!  
-Suzanne

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**From:** Mancusi-Ungaro, Philip

**Sent:** Tuesday, December 26, 2017 7:46 AM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Able, Tony <Able.Tony@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>

**Cc:** Armor, Suzanne <Armor.Suzanne@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>

**Subject:** RE: EPA communication with the FWS and NMFS re: ESA consultation on assumption

Suzanne, I am looping you in because

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

at least in Jerry Z's mind. We can talk about it after the holidays unless you are working this week. I will be on and off line this week. One question I have

## Ex. 5 Deliberative Process (DP)

One point I wanted to highlight is the closing paragraph in Pete's letter.

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

BTW, although I did not get a complete download from Meghan on the state's meeting in Vero Beach with FWS, Jerry Ex. 5 Deliberative Process (DP) That is why Tom reached out the FWS so we can have a fed to fed conversation, again. And then loop in the state unless we all get on the phone together, which was an option requested by Meghan.

Happy Holidays,

Phil

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**From:** McGill, Thomas

**Sent:** Friday, December 22, 2017 2:46 PM

**To:** Tawes, Robert <robert\_tawes@fws.gov>

**Cc:** Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>

**Subject:** EPA communication with the FWS and NMFS re: ESA consultation on assumption

Hi Rob – As a follow-up to our discussion today, I'm attaching email communication between the FWS and EPA regarding the position articulated in EPA's 12/27/2010 letter to ECOS regarding ESA consultation and assumption. For reference, I'm also attaching a copy of the letter as well as email communication between the NMFS and EPA on the same letter. Please let me know if you have any questions about this. Tom

<Review of Memoranda of Understanding and Similar Agreements.pdf>

<MOU Checklist internal to OGC.March 2014.docx>